



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 20, 1998

Mr. Mark Flowers
Assistant City Attorney
The City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR98-2791

Dear Mr. Flowers:

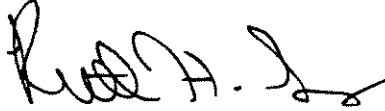
You have asked whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121725.

You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code. Section 552.108(a)(2) of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. Gov't Code § 552-108(a)(2). You inform us that the requested information pertains to a case that did not result in a conviction or deferred adjudication. We therefore conclude that the information is excepted from disclosure based on section 552.108(a)(2).

However section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest information, the department may withhold the requested information from disclosure based on section 552.108(a)(2).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/nc

Ref.: ID# 121725

Enclosures: Submitted documents

cc: Ms. Bonnie Husband
311 West Dengar
Midland, Texas 79705
(w/o enclosures)